

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BARON WHEELER, #879245 §
VS. § CIVIL ACTION NO. 6:14cv760
TDCJ, et al §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was assigned to United States Magistrate Judge John D. Love, who subsequently issued a Report and Recommendation that Plaintiff's action be dismissed with prejudice for purposes of federal court proceedings pursuant to 28 U.S.C. § 1915A(b)(1), and that the complaint should be dismissed without prejudice to the extent that the Plaintiff may refile his negligence claim in state court. A copy of the Report and Recommendation was sent to Plaintiff. Neither party has filed objections to the Report.

No objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court.

Accordingly, **IT IS THEREFORE**

ORDERED that the above-entitled and numbered cause of action is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). The complaint is dismissed without prejudice to the extent that the Plaintiff may refile his negligence claim in state court. All motions by either party not previously ruled on are hereby **DENIED**.

So Ordered and Signed

Jun 13, 2017



Ron Clark, United States District Judge